

1 The Honorable Thomas S. Zilly
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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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15 NINTENDO OF AMERICA INC.,

16 Plaintiff,

17 v.
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19 DOES 1-20, d/b/a, ANXCHIP.COM,
20 AXIOGAME.COM, FLASHCARDA.COM,
21 MOD3DSCARDS.COM, NX-CARD.COM,
22 SXFLASHCARD.COM, TXSWITCH.COM,
23 and USACHIPSS.COM,
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26 Defendants.
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30 NO. 2:20-cv-00738-TSZ
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32 PLAINTIFF'S MOTION FOR LEAVE
33 TO FILE OVERSIZED BRIEF
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35 NOTED: June 4, 2020
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37 Plaintiff Nintendo of America Inc. respectfully requests leave to file a 16-page brief in
38 support of its Motion for Leave to Serve Process by Alternative Means ("Alternative Service
39 Motion"). Good cause exists to allow the oversize filing.
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42 The Alternative Service Motion seeks leave to serve a number of foreign Doe
43 Defendants—collectively operating eight separate websites—by email, as none of the
44 Defendants has revealed their identities nor have they maintained a physical presence where
45 personal service can be made. To justify the relief sought, Plaintiff has established a factual and
legal basis for alternative service as to the Defendants operating each of the eight Websites.
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PLAINTIFF'S MOTION TO FILE OVERSIZE BRIEF - 1
No. 2:20-cv-00738

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1 Further, to establish these factual predicates, Plaintiff has described in detail the efforts it has
2 expended in an attempt to determine the identities and locations of Defendants. Plaintiff also
3 sets forth the specific efforts that Defendants have made to maintain anonymous presences
4 strictly online (rather than physical presences) and to evade detection and enforcement—
5 including after the filing of this Complaint—thus making it impossible to perfect service other
6 than by electronic means. Finally, Plaintiff has set forth in detail the various ways that certain
7 Defendants have already taken actions after the filing of this lawsuit demonstrating their
8 awareness of the lawsuit. For these reasons, Plaintiff respectfully requests leave to file an
9 oversized brief.

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1 Respectfully submitted:

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3 **GORDON TILDEN THOMAS &**
4 **CORDELL LLP**

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27 **Admitted only in Massachusetts, not admitted in*
28 *New York. Practicing under the supervision of*
29 *the partnership of Jenner & Block LLP*